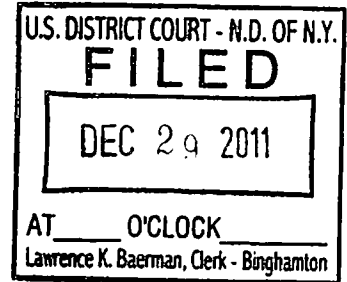


UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK



GLOBAL RESEARCH SERVICES, LLC,

Plaintiff,

v.

**CONSORTIUM OF RHEUMATOLOGY
RESEARCHERS OF NORTH AMERICA, INC.,
CORRONA INTERNATINOAL, LLC,
JOEL KREMER, and JAMES CAVAN,**

Defendants.

6:11 Civ. 0969 (TJM/ATB)

ORDER

This matter came before the Court sitting in Albany, New York on December 12, 2011 for argument on Defendants' Motion to Dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6). Upon consideration of Defendants' Motion to Dismiss (DKT #24), Plaintiff's Opposition (DKT #27) thereto, Defendant's Reply (DKT #29) to that Opposition, the Amended Complaint (DKT #21) and the record herein, and upon consideration of the arguments of counsel, by Robert W. Gottlieb, Esq. for Plaintiff, and Allen V. Farber, Esq. for Defendants, and upon consideration of the applicable law, it is, by the Court, consistent with and for the reasons stated by the Court in the ruling and decision rendered from the bench on December 12, 2011:

ORDERED that Defendants' Motion to Dismiss shall be and hereby is granted in part and denied in part; and it is further

ORDERED that Defendants' Motion to Dismiss Count I, entitled Fraud against Defendants Consortium of Rheumatology Researchers of North America, Inc., Joel Kremer and

James Cavan, in the Amended Complaint be, and hereby is, GRANTED, and Count I be, and hereby is, DISMISSED WITH PREJUDICE; and it is further

ORDERED that Defendants' Motion to Dismiss Count II, entitled Unjust Enrichment against Defendants Consortium of Rheumatology Researchers of North America, Inc., Joel Kremer, and James Cavan, be, and hereby is, DENIED, provided, however, that the existence of the Master Services Agreement dated October 22, 2010, precludes the claim for unjust enrichment against Defendant Consortium of Rheumatology Researchers of North America, Inc. except to the extent, if any, the subject services are outside of the scope of the Master Services Agreement; and it is further

ORDERED that Defendants' Motion to Dismiss Count III, entitled Unjust Enrichment against Defendants Corrona International, LLC, Joel Kremer, and James Cavan, be, and hereby is, DENIED; and it is further

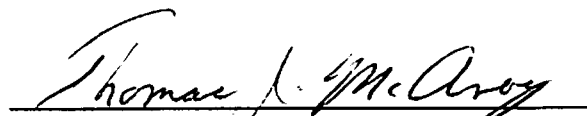
ORDERED that Defendants' Motion to Dismiss Count IV, entitled *Quantum Meruit* against Consortium of Rheumatology Researchers of North America, Inc. be, and hereby is, DENIED, provided, however, that the existence of the Master Services Agreement dated October 22, 2010 precludes the claim for unjust enrichment against Defendant Consortium of Rheumatology Researchers of North America, Inc. except to the extent, if any, the subject services are outside of the scope of the Master Services Agreement; and it is further

ORDERED that Defendants' Motion to Dismiss Count V, entitled *Quantum Meruit* as against Defendant Corrona International, LLC, be, and hereby is, DENIED; and it is further

ORDERED that Defendants shall have twenty-one (21) days from the date of entry of this Order to answer the Amended Complaint to the extent their Motion to Dismiss has been denied.

IT IS SO ORDERED.

Dated: December 29, 2011


The Honorable Thomas J. McAvoy
United States District Judge

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